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United States Senate

SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, DC 20510-6475

OCA FILE

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JAMES H. DYKSTRA, MINORITY STAFF DIRECTOR
KATHLEEN P. MCGHEE, CHIEF CLERK**MEMORANDUM**

TO: JIM WHITTINGHILL
DEPUTY CHIEF OF STAFF
MINORITY LEADER'S OFFICE

FROM: GEORGE TENET, STAFF DIRECTOR
JIM DYKSTRA, MINORITY STAFF DIRECTOR

DATE: SEPTEMBER 7, 1988

SUBJECT: RECOMMENDED CHANGES TO DRUG BILL

We have reviewed title I of the draft drug bill (OCA 2603-88), which contains the provisions on the "drug czar," and have a few recommended changes in both the bill and report language. We have reviewed these with CIA representatives, who concur in them.

(1) Sec. 1006(d)(1). It appears that words have been omitted from the first sentence. Presumably the intent is to have the Director provide program guidance to departments and agency heads to guide them in the development of their drug control budgets.

(2) Sec. 1006(d)(1). Add the following sentence to the end of the subsection: "In the case of programs that are also included in the National Foreign Intelligence Program, the Director shall also consult with the Director of Central Intelligence to ensure consistency with the authorities of the Director of Central Intelligence pursuant to Executive Order 12333 or its successor orders."

Rationale: Where national intelligence activities under the purview of the DCI are affected by budget decisions of the "drug czar" regarding a particular element within the Intelligence Community, there should be a requirement that the DCI be consulted.

(3) Report Language on Sec. 1006(d)(1). The final two sentences in the draft we have seen read as follows: "This process is not, however, intended to give the Director dictatorial authority over the budgets of other agencies. Rather, the Director is instructed to develop, in consultation and cooperation with other agencies and departments, a consolidated budget that reflects and implements the priorities and policies set forth in the National Drug Control Strategy." We would recommend the following phrase be added to the last sentence: "as well as takes into account the other statutory functions of such agencies and departments."

Rationale: We believe there ought to be some recognition, at least within report language, that such consultations must reflect a compromise, taking into account not solely drug control requirements but other statutory requirements as well. We recognize that the effect of this change goes beyond intelligence per se, but it would clearly help in calming the anxieties of the DCI and Intelligence Community regarding this bill. We offer it for your consideration.